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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/318,031	
	Filing Date	05/25/1999	
	First Named Inventor	P. Marko	
	Art Unit	2681	
	Examiner Name	Beamer, Temika M.	
Total Number of Pages in This Submission	18	Attorney Docket Number	XM-0022

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	-Credit Card Payment Form
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	-Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

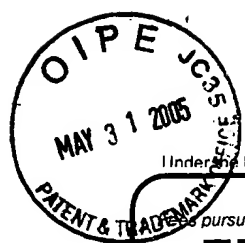
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Benman, Brown & Williams
Signature	
Date	May 26, 2005

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Leigh Christian
Signature	
Date	May 26, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Effective on 12/08/2004.
pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).
FEE TRANSMITTAL
For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
1,500.00

Complete if Known	
Application Number	09/318,031
Filing Date	05/25/1999
First Named Inventor	P. Marko
Examiner Name	Beamer, Temika M.
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METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):
☐ Deposit Account Deposit Account Number: Deposit Account Name:
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

OFFICE OF PETITIONS

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
23	- 20 or HP =	x =
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
3	- 3 or HP =	x =
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)
Other (e.g., late filing surcharge): Petition Under 37 CFR 1.137(b)

SUBMITTED BY		
Signature	Registration No. (Attorney/Agent) 29,014	Telephone (310) 553-2400
Name (Print/Type) William J. Benman	Date May 26, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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MEMORANDUM

TO: File

FROM: Leigh Christian

DATE: May 26, 2005

Re: XM0022

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1/04/01 Office Action Received

7/05/01 Amendment filed with ext. of time

7/19/01 1st Notice of Non-Compliance received regarding the need for a clean version of the replacement paragraphs. We had received a communication from the PTO dated 10/20/2000 laying out the new formatting of the Amendments.

8/14/01 Supplemental Amendment filed with clean version.

1/15/02 2nd Notice of Non-Compliance received stating:
Pages 1 and 2 needed to be rewritten in paragraph form showing changes.
Pages 4, 5 and 6 needed to state what pages and lines the paragraphs referred to.

2/7/02 Bill and Leigh spoke to the Examiner. We submitted the clean version but it was not placed in front and was missed by the person entering the Amendments. The Examiner, Temica, then noticed that two commas were underlined in the Claim. The Examiner asked that we fax the Claim in without the commas to her fax and that she would issue another Office Action.

2/7/02 Faxed the Claim to the Examiner (2 pages). Also faxed the Supplemental Amendment filed (12 pages)

11/17/03 Called the PTO to inquire on the status of the Application. The Examiner asked us to fax our response to her again.

2/15/05 Leigh called the Examiner for status and was advised there was a Notice of Abandonment issued but never sent.

3/10/05 Spoke to Examiners Supervisor Krista Zele and she suggested that we fax over the documents that were in response to the 2nd Notice of Compliant Amendment and suggested that we request a withholding of abandonment. She would look at it and get back to us.

5/3/05 Called Examiners Supervisor Krista Zele to check on the status of the Application. She said she needed time to look it over and she will call us back

5/12/05 Our request to withhold abandonment was denied and the supervisor suggested we file a Petition to Revive an Unintentionally Abandoned Application.